

B. REMARKS

The Examiner is thanked for the performance of a thorough search. By this amendment, Claim 19 is amended. Claims 1-9 and 11-19 are pending in this application. The amendments to the claims do not add any new matter to this application. All issues raised in the Office Action mailed October 8, 2008 are addressed hereinafter.

OBJECTION TO CLAIM 19

Claim 19 is objected to because of an informality. Applicants have amended Claim 19 to correct its dependency, and accordingly, Applicants respectfully request that the objection to Claim 19 be withdrawn.

REJECTION OF CLAIMS 1-3, 7-9, 11-14 UNDER 35 U.S.C. § 103(a)

Claims 1-3, 7 and 8 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ishida in view of Yamamura, U.S. Patent No. 7,289,235. Claims 9 and 11 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ishida in view of Yamamura, U.S. Patent No. 7,289,235, and further in view of Shin, U.S. Patent No. 6,351,320. Claims 12 and 13 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ishida in view of Yamamura, U.S. Patent No. 7,289,235, and further in view of Wilson, GB 2,347,766. Claim 14 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ishida in view of Yamamura, U.S. Patent No. 7,289,235, and further in view of Vidyanand, U.S. Patent No. 6,967,728. Claims 15-17 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ishida in view of Hanson, U.S. Patent No. 6,148,346. Claim 18 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ishida in view of Hanson, U.S. Patent No.

6,148,346 and further in view of Wilson, GB 2,347,766. Claim 19 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Ishida in view of Hanson, U.S. Patent No.

6,148,346, and further in view of Vidyanand, U.S. Patent No. 6,967,728.

The Office Action fails to present a *prima facie* case of unpatentability under 35 U.S.C. §103(a) because Ishida is not citable in this application under 35 U.S.C. §103(c)(1) and must be removed as a reference.

Under 35 U.S.C. §103(c)(1), as amended by the CREATE Act of 2004, which also extended the applicability of 35 U.S.C. §103(c)(1) to all applications pending on its effective date of December 10, 2004, a reference that qualifies only under 35 U.S.C. §102(e), (f), or (g) is not citable against an application under 35 U.S.C. §103(a) if the invention described in the application for patent and the invention described in the prior art reference applied against the application were commonly owned by, or subject to an obligation of assignment to, the same person, at the time the invention in the application for patent was made. See USPTO “Frequently Asked Questions” about 103(c), <http://www.uspto.gov/web/offices/dcom/olia/aipa/103cfaq.htm>.

The present application is assigned to RICOH COMPANY, LTD., 3-6, NAKAMAGOME 1-CHOME, OHTA-KU; TOKYO 143-8555, JAPAN, as stated in the assignment recorded in the USPTO at reel 015207, frame 0153. The assignee of Ishida is also RICOH COMPANY, LTD., 3-6, NAKAMAGOME 1-CHOME, OHTA-KU; TOKYO 143-8555, JAPAN, as stated in the assignment recorded in the USPTO at reel 014862, frame 0338. Further, at the time that the invention presented in the present application was made, all inventors were under an obligation to assign any later patent application to Ricoh Company LTD., so that the application and the reference were, at the time the invention was made, owned by, or subject to

an obligation of assignment to, the same person. Ishida's publication date is June 3, 2004, and therefore Ishida qualifies as a reference only under 35 U.S.C. §102(e) and is not a 102(a) or 102(b) reference to the present application.

Therefore, all requirements of 35 U.S.C. §103(c)(1) are satisfied in the present case with respect to Ishida, and Ishida is ineligible as a reference. Applicants respectfully request reconsideration and removal of Ishida as a reference.

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. The Commissioner is hereby authorized to charge any fee that is missing or insufficient to our Deposit Account No. 50-1302.

CONCLUSION

It is respectfully submitted that all of the pending claims are in condition for allowance and the issuance of a notice of allowance is respectfully requested. If there are any additional charges, please charge them to Deposit Account No. 50-1302.

The Examiner is invited to contact the undersigned by telephone if the Examiner believes that such contact would be helpful in furthering the prosecution of this application.

Respectfully submitted,

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